

CHAPTER 157**(SB 225)**

AN ACT relating to mechanical inspections.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 198B.400 is amended to read as follows:

As used in KRS 198B.410 to 198B.540, unless the context otherwise requires:

- (1) "Elevator" means all the machinery, construction, apparatus, and equipment used in raising and lowering a car, cage, or platform vertically between permanent rails or guides, and includes all elevators, power dumbwaiters, escalators, gravity elevators, and other lifting or lowering apparatus permanently installed between rails or guides, but does not include hand operated dumbwaiters, manlifts of the platform type with a platform area not exceeding nine hundred square inches, construction hoists, or other similar temporary lifting or lowering apparatus.
- (2) "Passenger elevator" means an elevator that is designed to carry persons to its contract capacity.
- (3) "Freight elevator" means an elevator used for carrying freight and on which only the operator, by the permission of the employer, is allowed to ride.
- (4) "General inspector" means a state inspector examined and hired to inspect elevators for the Office of Housing, Buildings and Construction.
- (5) "Special inspector" means an inspector examined and certified by the office to inspect elevators in the state.
- (6) "Inspector" means either a general or special inspector.
- (7) "Office" means the Office of Housing, Buildings and Construction.
- (8) "Certificate of operation" is a certificate issued by the office authorizing the operation of an elevator which must be conspicuously posted on the elevator at all times.
- (9) ***"Escalator" means a moving stairway consisting of steps attached to a continuously circulating belt that is used to move persons from one (1) level to another.***
- (10) ***"Moving sidewalk" means horizontal flat panels attached to a continuously circulating belt used to move people.***
- (11) ***"Fixed guideway system" means any nonrail system, funicular, or automated people mover, either air-suspended or wheeled, that is not regulated by the Federal Transit Administration.***

Section 2. KRS 198B.410 is amended to read as follows:

- (1) No person may act either as a general inspector or as a special inspector of elevators ***or fixed guideway systems*** unless he or she holds a certificate of competency from the office.
- (2) Application for examination as an inspector of elevators shall be in writing, accompanied by a fee of ten dollars (\$10), upon a blank to be furnished by the office, stating the school education of the applicant, a list of his or her employers, his or her period of employment, and the position held with each. An applicant shall also submit a letter from one (1) or more of his or her previous employers certifying as to his or her character and experience.
- (3) Applications shall be rejected which contain any willful falsification or untruthful statements. ~~The~~ applicant, if the office deems his or her history and experience sufficient, shall be tested by means of a written examination dealing with the construction, installation, operation, maintenance, and repair of elevators and their appurtenances, and the applicant shall be accepted or rejected on the merits of his or her application and examination.
- (4) ***The office shall promulgate administrative regulations establishing the training and certification requirements for inspectors of fixed guideway systems.***
- (5) The office shall issue a certificate of competency in the inspection of elevators to any applicant found competent upon examination. A rejected applicant shall be entitled, after the expiration of ninety (90) days, and upon payment of an examination fee of ten dollars (\$10), to another examination. Should an applicant fail

to pass the prescribed examination on second trial, he or she will not be permitted to be an applicant for another examination for a period of one (1) year after the second failure.

Section 3. KRS 198B.420 is amended to read as follows:

- (1) The office shall administer all aspects of the State Elevator *and Fixed Guideway System* Inspection Program.
- (2) The program shall be directed by a person with at least five (5) years' experience in the inspection or construction, installation, maintenance, and repair of elevators and their appurtenances.
- (3) The executive director of housing, buildings and construction may appoint and hire from the holders of certificates of competency ~~no more than ten (10)~~ general inspectors of elevators.

Section 4. KRS 198B.440 is amended to read as follows:

A certificate to serve as an inspector *issued under Section 2 of this Act* may be suspended or revoked by the office for the incompetence or untrustworthiness of the holder thereof, or for the falsification of any matter or statement contained in his or her application or in a report of any inspection.

Section 5. KRS 198B.460 is amended to read as follows:

The owner or user of any elevator *or fixed guideway system* shall register with the office every elevator *or fixed guideway system* operated by him or her, giving the type, capacity, and description, name of manufacturer, and purpose for which each is used. ~~The~~~~Such~~ registration shall be made on a form to be furnished by the office.

Section 6. KRS 198B.470 is amended to read as follows:

Every passenger elevator, *moving sidewalk, fixed guideway system*, and escalator shall be inspected once every twelve (12) months.

Section 7. KRS 198B.480 is amended to read as follows:

- (1) Every inspector shall forward to the office a full report of each inspection made of any passenger elevator *or fixed guideway system*, showing the exact condition of the elevator *or fixed guideway system*, and the inspector shall leave a copy of the report at the elevator *or fixed guideway system* on the day the inspection is completed.
- (2) If any passenger elevator *or fixed guideway system* requires certain changes or repairs to make it reasonably safe to operate, recommendations shall be made by the inspector upon his or her report and a copy of the report as approved by the office shall be given to the owner or operator of the elevator *or fixed guideway system*, and unless appealed, upon compliance therewith, and upon the payment of the fees required by law, the office shall issue a certificate of operation for a capacity not to exceed that named in the report of inspection, which certificate shall be valid for one (1) year after the date of inspection.
- (3) If construction plans or an application of specifications is not approved, the office shall state in writing the necessary changes to obtain approval and the owner or operator shall be given a copy thereof, and unless appealed, upon compliance therewith, the office shall approve the plans or specifications and issue a permit for construction.
- (4) Any owner or operator, within twenty (20) days from receipt of the copy of the report or statement of changes in plans or specifications, may make written application to the office, upon forms to be furnished by the office for a hearing on the report or the statement regarding changes in plans or specifications as to whether the elevator *or fixed guideway system* in question is reasonably safe, or whether the elevator *or fixed guideway system*, if constructed in accordance with the plans and specifications, would be reasonably safe. The office shall promptly consider the application and schedule a hearing to be conducted consistent with the provisions of this section and KRS Chapter 13B.
- (5) If it appears from the evidence presented at the hearing that the elevator *or fixed guideway system* will be reasonably safe to operate without those changes or repairs shown in the report or by making only a part or all thereof, or if none or only a part of all the changes in the plans or specifications are found necessary to make the elevator reasonably safe, the office shall issue its final order accordingly. If the final order requires changes or repairs to be made in the elevator *or fixed guideway system* or changes in the plans or specifications *of either*, the office shall upon the payment of the required fees, issue a certificate of operation when the order has been executed, or issue its approval of the plans or specifications. If the final order of the office has been affirmed or modified by appeal, on the grounds of reasonable safety considered by the office,

then the office shall, upon compliance with the final order, and the payment of required fees, issue the certificate of operation or issue its approval of the plans and specifications but, if the order of the office has been vacated, the certificate of operation, upon the payment of fees or approval of plans and specifications shall be issued forthwith. No elevator *or fixed guideway system* shall be operated after being inspected without having a certificate of operation conspicuously posted thereon, except pending a hearing on the issuance thereof.

Section 8. KRS 198B.490 is amended to read as follows:

The executive director of housing, buildings and construction shall make, alter, amend, and repeal rules and regulations exclusively for the safety and inspection of passenger elevators *and fixed guideway systems*. The executive director shall have the authority to prescribe, by regulation, the fee to be charged for each inspection. All fees established and regulated by this section shall be payable to the office except as may be provided in a specific written agreement between the executive director and any agency authorized to inspect elevators *or fixed guideway systems* by the provisions of this chapter.

Section 9. KRS 198B.500 is amended to read as follows:

Every passenger elevator *or fixed guideway system* shall be equipped, maintained, and operated, with respect to the supporting members, elevator *or fixed guideway system* car, shaftways, guides, cables, doors, and gates, safety stops and mechanism, electrical apparatus and wiring, mechanical apparatus, counterweights, and all other appurtenances, in accordance with the regulations as are authorized in respect thereto. Where reasonable safety is obtained without complying to the literal requirements of ~~the~~^[such] regulations as in cases of practical difficulty or unnecessary hardship, the literal requirements of ~~the~~^[such] regulations shall not be required.

Section 10. KRS 198B.510 is amended to read as follows:

No certificate of operation for any passenger elevator *or fixed guideway system* shall be issued until ~~the~~^[such] elevator *or fixed guideway system* has been inspected and the report thereof filed with the office. ~~The~~^[Such] certificate of operation, when issued, shall bear the date of inspection, and shall be renewed as of the date of the subsequent inspection, provided ~~the~~^[such] inspection is made at least one (1) year after the issuance of such certificate. If ~~the~~^[such] inspection is made during the year ~~the~~^[such] certificate is in force, the renewal date shall be one (1) year from the date of the certificate being renewed and the renewal certificate shall show the date of inspection.

Section 11. KRS 198B.520 is amended to read as follows:

Before any new installation of an elevator *or fixed guideway system* of permanent nature shall be erected or before any existing elevator is removed to a different location, an application of specifications in duplicate shall be submitted to the office giving such information concerning the construction, installation, and operation of said elevator *or fixed guideway system* as the office may require on forms to be furnished by the office, together with complete construction plans in duplicate. In all cases where any changes or repairs are made which alter its construction or classification, grade or rated lifting capacity, except when made pursuant to a report of an inspector, an application of specifications in duplicate shall be submitted to the office, containing such information, for approval, except *for elevators* in those municipal corporations which maintain their own elevator inspection departments, in which event ~~the~~^[such] specifications shall be submitted to the elevator department of the municipal corporation for its approval, and if approved, a permit for the erection or repair of ~~the~~^[such] elevator shall be issued by the municipal corporation. Upon approval of ~~the~~^[such] application and construction plans the office shall issue a permit for the erection or repair of ~~the~~^[such] elevator *or fixed guideway system*. No new elevator *or fixed guideway system* shall be operated until completion in accordance with the approved plans and specifications, unless a temporary permit is granted by the office.

Section 12. KRS 198B.530 is amended to read as follows:

No person shall violate any law relative to the operation, construction, maintenance, and repair of passenger elevators *or fixed guideway systems*. All fines collected for a violation of this section shall be forwarded to the office, which shall pay the same into the State Treasury to the credit of the general revenue fund.

Section 13. KRS 198B.540 is amended to read as follows:

- (1) If the *office's inspector of elevators and fixed guideway systems*~~[office]~~ or a general inspector of elevators *or fixed guideway systems* finds that a passenger elevator, *fixed guideway system*, or a part thereof does not afford reasonable safety, the office or the general inspector may post a notice upon ~~the~~^[such] elevator *or fixed*

guideway system prohibiting further use of the elevator *or fixed guideway system* until the changes or alterations set forth in the notice have been made to the satisfaction of the office or the inspector. Said notice shall contain a statement that operators or passengers are subject to injury by its continued use, a description of the alteration or other change necessary to be made in order to secure safety of operation, date of ~~the~~^{such} notice, name and signature of the office or inspector issuing the notice.

- (2) If any inspector of elevators *or fixed guideway systems* finds a passenger elevator *or fixed guideway system* to be so unsafe as can be reasonably expected to offer imminent danger of death or physical injury, that unit shall be sealed out of service, a hazard notice posted thereon, and the office shall be notified immediately as to the location and condition of the unit.
- (3) Any passenger elevator *or fixed guideway system*, once sealed, shall not be operated except for the purpose of effecting repairs and in ~~the~~^{such a} manner ~~as~~ prescribed by the office, until all defects are corrected and the unit has been inspected and certified as safe by the office.
- (4) Sealing shall consist of rendering a passenger elevator unit *or fixed guideway system* inoperable by disconnecting power and/or by placing a sealing device on the operation switch and ordering ~~such~~ additional measures to be effected by the owner, such as erection of barricades, as may be required to prevent use of or public access to the unit.
- (5) No seal, notice or barricade placed on or around an elevator *or fixed guideway system* in accordance with the provisions of this chapter shall be removed, obstructed or in any way altered without the written consent of the office.

Approved April 5, 2006.